

**STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
COMMISSION OF PHARMACY
November 02, 2004**

10:09 a.m. The regular meeting of the Commission of Pharmacy was called to order by Acting Chairman Guynn. The meeting was held in Room #117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Commissioners Present:

Steve Beaudin	Edith G. Goodmaster
Robert Guynn, R.Ph.	Jean Mulvihill, R.Ph.
Frederick Vegliante, R.Ph.	

Staff Present:

Michelle Sylvestre, R.Ph. [Drug Control Agent/Board Administrator]

Others Present:

Arthur Chaput	Amanda Daigle
Andrew DePalma	Marghie Giuliano
James Jake Jakubowski	Ronald Kaufmann
Stephen Long	Elena M. Malia
Karl A. Nieforth	Rees Pinney
Michele Rollins	

Interview of Reciprocity Candidates

The following candidates were sworn in and interviewed as a group by the Commissioners. Various questions were asked of the individual candidates. A few of the questions were as follows:

1. Why do you want to be licensed in Connecticut?
2. What are Connecticut's requirements for continuing education?
3. Have you ever had a problem with drugs and/or alcohol?
4. Have you ever been before a Board of Pharmacy in the past?

Kristina E. Estes	From Maryland
Nickole N. Henyan	From Maryland
Jolanta Irla	From Washington
Fredric Irwin Lapatinsky	From Ohio
Wendy Lee	From New York
Michael L. Mielniczuk	From Massachusetts
Roman W. Szarek	From Massachusetts

Commission Action: Commissioner Vegliante moved, seconded by Commissioner Mulvihill and passed by a vote of (5-0) to accept the above applications for licensure by reciprocity.

Shazia Ali	From Maryland
Prisca Adanna Anamelechi	From Maryland
Kofi Francis Bawuah	From Maryland
Tyrone Bryant	From Pennsylvania
Bamidele O. Kalejaiye	From Maryland
Jeri Ann Mack Panarello	From Pennsylvania
Tram Ngoc Phan	From North Carolina

Commission Action: Commissioner Vegliante moved, seconded by Commissioner Mulvihill and passed by a vote of (5-0) to accept the above applications for licensure by reciprocity pending successful completion of the MPJE examination.

The following individuals did not appear before the Commission of Pharmacy:

Adam B. Cochrane	From Indiana
Angela Rushelle Curry	From Virginia

Eligibility for Reciprocity

The Commissioners deemed Elizabeth Kudlacz as an eligible candidate for pharmacist licensure by reciprocity. Ms. Kudlacz's presence before the Commission today will be considered her personal interview for reciprocity.

Request to Extend Temporary Permit to Practice Pharmacy

Commissioner Goodmaster moved, seconded by Commissioner Mulvihill and passed by a vote of (5-0) to extend Robert Giuliano's temporary permit to practice pharmacy, PTP.160, and Maureen McCarthy's temporary permit to practice pharmacy, PTP.157, for an additional three months through February 02, 2005.

Request for Pharmacy Internship

Zvomka Akbas, Carlo M. Cadiz and Sonia Thomas appeared before the Commission of Pharmacy to request permission to apply for pharmacy internships.

Commission Action: The Commission granted Zvomka Akbas, Carlo M. Cadiz and Sonia Thomas permission to apply for pharmacy internships pending receipt of applications, applicable fees and copies of their FPGEE, TSE and TOEFL scores.

PLEASE NOTE:

- A minimum TSE score of 50 will be accepted for application as a pharmacy intern.
- A minimum TSE score of 55 is required for application for pharmacist licensure.

Ashwin Waghray did not appear before the Commission of Pharmacy.

'First Time' Pharmacy Managers

The following individuals appeared before the Commission of Pharmacy as 'first time' pharmacy managers:

Virginia L. Cormier
Elena Malia
Patrick S. Mulski
Anna Radkovska
Troy Ruff
Wadim Timakov

Walmart Pharmacy – Avon, CT
Walgreens Pharmacy
Costco Pharmacy
Stop & Shop Pharmacy
Rite Aid Pharmacy – Wolcott, CT
Rite Aid Pharmacy – Plainville, CT

Ben Davis, McKenzie DeJoseph, Thomas Linskey and Doug Reuter did not appear before the Commission of Pharmacy.

David Remsbecker did not appear before the Commission of Pharmacy since he is not a first time pharmacy manager.

New Pharmacy Applications

Arrow Pharmacy & Nutrition
Center #47
One Mohegan Sun Boulevard
Uncasville, CT 06382
PCY.1934

Michele R. Rollins
Pharmacy Manager
PCT.8014

Pharmacy Manager Michele R. Rollins appeared before the Commission of Pharmacy to represent Arrow Pharmacy & Nutrition Center #47. The pharmacy will be ready for an inspection on or about November 26, 2004.

Commission Action: Commissioner Beaudin moved, seconded by Commissioner Vegliante and passed by a vote of (5-0) to accept the above new pharmacy application provided:

1. all the requirements set forth in the Connecticut Pharmacy and Drug Laws as enforced by the Commission of Pharmacy are met.
2. the pharmacy is open to the general public.
3. the pharmacy does not adopt a general practice of refusing to fill prescriptions presented by the general public.

This pharmacy was classified as a community pharmacy.

Custom Compounding Pharmacy
Of America (CCPA)
2A North Main Street
Kent, CT 06757
PCY.1921

Robert H. Stack
Pharmacy Manager
PCT.5558

Peter D'Aprile appeared before the Commission of Pharmacy to represent Custom Compounding Pharmacy of America (CCPA).

Commission Action: The Commissioners reviewed and accepted the drawings presented by Peter D'Aprile. The acceptance or denial of this new pharmacy application was tabled until Pharmacy Manager Stack was in appearance to represent his pharmacy.

EZPharm Pharmacy
1625 Straits Turnpike
Middlebury, CT 06762
PCY.1930

Jeffrey P. Dalessandro
Pharmacy Manager
PCT.7101

John Kuzia and Pharmacy Manager Jeffrey P. Dalessandro appeared before the Commission of Pharmacy to represent EZPharm Pharmacy. The pharmacy is scheduled to open on or about December 15, 2004.

Commission Action: Commissioner Beaudin moved, seconded by Commissioner Vegliante and passed by a vote of (5-0) to accept the above new pharmacy application provided all the requirements set forth in the Connecticut Pharmacy and Drug Laws as enforced by the Commission of Pharmacy are met. This pharmacy was classified as a community pharmacy.

Stop & Shop Pharmacy #651
331 Cottage Grove Road
Bloomfield, CT 06002
PCY.1924

Anna Radkovska
Pharmacy Manager
PCT.9214

Pharmacy Supervisor Tom Fraser and Pharmacy Manager Anna Radkovska appeared before the Commission of Pharmacy to represent Stop & Shop Pharmacy #651. The pharmacy is scheduled to open on or about December 2004/January 2005.

Commission Action: Commissioner Beaudin moved, seconded by Commissioner Vegliante and passed by a vote of (5-0) to accept the above new pharmacy application provided all the requirements set forth in the Connecticut Pharmacy and Drug Laws as enforced by the Commission of Pharmacy are met. This pharmacy was classified as a community pharmacy.

Pharmacy Relocations

Arrow Pharmacy & Nutrition Center #78

From:	To:
206 Dixwell Avenue	340 Dixwell Avenue
New Haven, CT 06511	New Haven, CT 06511
PCY.1718	PCY.1718

James (Jake) R. Jakubowski, Pharmacy Manager

Pharmacy Manager James (Jake) R. Jakubowski appeared before the Commission of Pharmacy to represent Arrow Pharmacy & Nutrition Center #78. The pharmacy is scheduled to relocate on or about November 2004.

Commission Action: The Commission of Pharmacy passed a vote of (5-0) to accept the above pharmacy relocation application provided all the requirements set forth in the Connecticut Pharmacy and Drug Laws as enforced by the Commission of Pharmacy are met.

Coram Alternate Site Services, Inc.

From:	To:
7 Barnes Industrial Park Road	27 Village Lane
Wallingford, CT 06492	Wallingford, CT 06492
PCY.1335	PCY.1335

Stephen Long, Pharmacy Manager

Pharmacy Manager Stephen Long appeared before the Commission of Pharmacy to represent Coram Alternate Site Services, Inc. The pharmacy is scheduled to relocate on or about November 05, 2004.

Commission Action: Commissioner Beaudin moved, seconded by Commissioner Mulvihill and passed by a vote of (5-0) to accept the above pharmacy relocation application provided all the requirements set forth in the Connecticut Pharmacy and Drug Laws as enforced by the Commission of Pharmacy are met.

Kent Pharmacy

From:	To:
6 Kent Green Boulevard	2 North Main Street
Kent, CT 06757	Kent, CT 06757
PCY.279	PCY.279

Rita Staino, Pharmacy Manager

Peter D'Aprile appeared before the Commission of Pharmacy to represent Kent Pharmacy.

Commission Action: The Commissioners reviewed and accepted the drawings presented by Peter D'Aprile. The acceptance or denial of this pharmacy relocation application was tabled until Pharmacy Manager Staino was in appearance to represent her pharmacy.

Stop & Shop Pharmacy #632

From:	To:
680 Silas Deane Highway	80 Town Line Road; Town Line Plaza
Wethersfield, CT 06109	Rocky Hill, CT 06067
PCY.1307	PCY.1307

Michael Kaplan, Pharmacy Manager

Pharmacy Supervisor Jerry Krygier and Pharmacy Manager Michael Kaplan appeared before the Commission of Pharmacy to represent Stop & Shop Pharmacy #632. The pharmacy is scheduled to relocate on or about November 10, 2004.

Commission Action: Commissioner Beaudin moved, seconded by Commissioner Mulvihill and passed by a vote of (4-1) to accept the above pharmacy relocation application provided:

1. all the requirements set forth in the Connecticut Pharmacy and Drug Laws as enforced by the Commission of Pharmacy are met.
2. receipt of zoning approval.
3. receipt of applicable fees.

Commissioner Goodmaster opposed the vote.

Pharmacy Remodels

Costco Pharmacy #304
200 Federal Road
Brookfield, CT 06804
PCY.1423

Thomas Drougas, Pharmacy Manager

Pharmacy Manager Thomas Drougas appeared before the Commission of Pharmacy to represent Costco Pharmacy #304. The pharmacy remodel is expected to be completed on or about February 2005.

Commission Action: The Commission of Pharmacy reviewed and accepted the blueprints for the above pharmacy remodel.

Shop Rite Pharmacy did not appear before the Commission of Pharmacy.

Legal Matters

Pharmacy File #04-36/ Docket Number 04-935

[Ronald J. Wissuchek - PCT.6212]

Commissioner Vegliante 'stepped down'. Attorney Schwane presented this case involving a pharmacist that committed two prescription errors within a three-year period. This agreement calls for a Letter of Reprimand. The pharmacist has completed the continuing education course concerning prescription errors.

Commission Action: Commissioner Mulvihill moved, seconded by Commissioner Beaudin and passed by a vote of (4-0) to accept the above-mentioned agreement.

Pharmacy File #02-90/ Docket Number 04-1035

[Kimberly A. Sweeney– PCT.7364]

Commissioner Goodmaster 'stepped down'. Attorney Schwane presented this case involving a pharmacist that violated an existing agreement. The pharmacist voluntarily agreed to surrender her license indefinitely.

Commission Action: Commissioner Mulvihill moved, seconded by Commissioner Beaudin and passed by a vote of (4-0) to accept the above-mentioned agreement.

Pharmacy File #03-87/Docket Number 04-1039

[Carl M. Mancini– PCT.9171]

Commissioner Vegliante 'stepped down'. Attorney Schwane presented this case involving a pharmacist that violated an existing agreement. The pharmacist voluntarily agreed to surrender his license indefinitely.

Commission Action: Commissioner Mulvihill moved, seconded by Commissioner Beaudin and passed by a vote of (4-0) to accept the above-mentioned agreement.

Pharmacy File #04-2/Docket Number 04-1107

[Robert J. Destefano– PCT.4434]

Commissioner Beaudin 'stepped down'. Attorney Schwane presented this case involving a pharmacist that voluntarily surrendered his license by agreement on March 05, 2004. He refused to accept a settlement offer and has requested a hearing.

Commission Action: Commissioner Goodmaster moved, seconded by Commissioner Mulvihill and passed by a vote of (4-0) to issue an administrative Complaint for a formal hearing.

Final Order and Decision – Pharmacy File # 01-1/Docket Number 04-880

[Richard M. Lavalley – PCT.9177]

The Commission of Pharmacy reviewed the draft of the Final Order and Decision from the formal hearing held on October 05, 2004.

Commission Action: Commissioner Goodmaster moved, seconded by Commissioner Vegliante and passed by a vote of (5-0) to accept the above-mentioned Final Order and Decision.

Legislation and Regulation Update

- The proposed legislation has been sent to the Governor's office.
- The electronic data intermediary regulations have been sent to the Governor's office. Attorney Schwane informed the Commission that a small change was made prior to this legislation being sent to the Governor's office.
 - Original Language – Section 20-614-3(a)(4)
Processes to prevent unauthorized access to the data when transmitted over communication networks or when data physically moves from one location to another using media such as magnetic tapes, removable drives or CD media.
 - New Language – Section 20-614-3(a)(4)
Processes to prevent unauthorized access to the data when transmitted over communication networks or when data physically moves from one location to another using media such as magnetic tapes, removable drives, CD media **or any other means of data storage.**

Attorney Schwane informed the Commission of Pharmacy that he received five (5) new cases from the Drug Control Division since the October 05, 2004 Commission of Pharmacy meeting.

4 prescription error cases

1 case involving a closed pharmacy

Premier Pharmacy

Premier Pharmacy located in Houston, Texas requested an application for a non-resident pharmacy application. Premier Pharmacy is open five days a week for a minimum of 40 hours which is in compliance with Texas law.

Question

Can Premier Pharmacy apply and be approved for a non-resident pharmacy registration based on Section 20-627(c) of the Connecticut General Statutes?

Section 20-627(c) of the Connecticut General Statutes states that a non-resident pharmacy shall, during its regular hours of operation, but not less than six days per week and for a minimum of forty hours per week, provide a toll-free number to facilitate communication between patients in this state and a pharmacist at such non-resident pharmacy who has access to the patient's records.

Answer

Assistant Attorney General Henry Salton and Attorney Steve Schwane both read this question, interpreted the statute and were in agreement that Premier Pharmacy could apply and be approved for a non-resident pharmacy registration if:

1. The pharmacy is open five days a week for a minimum of 40 hours and
2. A pharmacist is scheduled to work on the sixth day for consultation purposes only. The pharmacy would not have to be open for "regular business" on the sixth day.

Hartford Hospital's Request

Monica Goldman, PharmD, Drug Information Center, Hartford Hospital asked for the Commission's guidance on the following:

Hartford Hospital Pharmacy has, for many years, compounded an intravenous formulation of acetylcysteine using Mucomyst since a commercially prepared formulation was not available.

Are there legal ramifications with continued use of the above-mentioned compounded product when a commercially prepared product, Acetadote, is available?

The cost of Acetadote is approximately 10 times that of the compounded product.

Commission Action: Monica Goldman's letter was reviewed by Assistant Attorney General (AAG) Henry Salton prior to today's meeting. AAG Salton recommended that Ms. Goldman contact hospital counsel since her question regarding the "legal ramifications" of their practices was very broad. If Hartford Hospital needed a specific issue addressed by the Commission then they should contact the Commission at that time.

Miscellaneous

Pharmacist Dan Boulanger presented the following proposal via e-mail to the Commission of Pharmacy:

Proposal: I would like to propose that the Pharmacy Commission promote pharmacists to be more active in their communities by having pharmacists volunteer to become EMT's and assist the ambulance services/fire departments in their home towns.

How?:

- 1.) Waive the 15 hours of continuing education required for the year the pharmacist takes the EMS course (~ 250 hours).
- 2.) Allow a certain number of EMS CME's to count towards the continuing education requirement in following years.

Commission Action: The Commission currently accepts CME, CNE and ACPE accredited programs. The Commission will consider and has accepted other programs applied for **prior** to program presentation.

Request for CE Waivers

Commissioner Vegliante reviewed the following requests for continuing education waivers and made the following recommendations:

Paul R. Belcher	The Commission will approve the continuing education program, "Understanding Medical Literature and Communicating Effectiveness to Physicians" for a total of six live credits upon receipt of the new program schedule. This program was previously approved for four live credits and assigned approval number 2004-15 on October 05, 2004.
Myo Kim	The Commission will not accept the options set forth in Ms. Kim's e-mail dated October 28, 2004.

Commission Action: Commissioner Goodmaster moved, seconded by Commissioner Beaudin and passed by a vote of (5-0) to accept the above-mentioned recommendations.

Request for CE Program Approval

Pharmacy Law Update
New Milford Hospital

Commission Action: The Commission of Pharmacy denied approval of the above-mentioned continuing education program.

1. The application is incomplete. The program date and time is not provided.
2. Clarification of the program content is required. This program was previously accredited and presented at the Senior Symposium. The Commission is concerned that individuals may receive duplicate credit for the same program.

Parallel Proceedings Process: Understanding Agency Roles in Health Care/Abuse/Neglect and Exploitation Cases
Department of Social Services

Commission Action: Commissioner Beaudin moved, seconded by Commissioner Mulvihill and passed by a vote of (5-0) to conditionally approve the above-mentioned continuing education program pending Commissioner Guynn's review and acceptance of the program material.

Application to Close the Prescription Department of a Licensed Pharmacy Pending an Affirmative Inspection by the Drug Control Division

CVS/Pharmacy #623, 397 Post Road East, Westport, CT

Commission Action: Commissioner Beaudin moved, seconded by Commissioner Vegliante and passed by a vote of (4-0) to approve the above-mentioned application to close the prescription department of a licensed pharmacy when a pharmacist is not present and in direct charge pending an affirmative inspection by the Drug Control Division. Commissioner Mulvihill abstained from the vote.

Approval of Minutes

Commissioner Vegliante moved, seconded by Commissioner Beaudin and passed by a vote of (5-0) to accept the minutes of September 01, 2004 and October 05, 2004 Commission of Pharmacy meetings.

There being no further business, Acting Chairman Guynn adjourned the meeting.

Respectfully Submitted,

William J. Summa, Chairman

Prepared by:

Michelle Sylvestre
Drug Control Agent/Board Administrator